

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

SCHERING CORPORATION  
and MSP SINGAPORE COMPANY LLC,

Plaintiffs,

v.

GLENMARK PHARMACEUTICALS INC., USA  
and GLENMARK PHARMACEUTICALS LTD.,

Defendants.

Civil Action No. 07-cv-1334 (JLL)(ES)

**FILED ELECTRONICALLY**

**[PROPOSED] ORDER**

**THIS MATTER**, having originally come before the Court by Darby & Darby P.C., attorneys for defendants, Glenmark Generics Inc., USA (formerly Glenmark Pharmaceuticals Inc., USA) and Glenmark Pharmaceuticals Ltd. (collectively, "Glenmark"), on two motions by Glenmark (Docket Entry Nos. 157 and 187) to seal the following confidential materials:

- (i) Memorandum Of Law In Support Of Glenmark's Motion In Limine #1: Daubert Motion To Preclude Plaintiff's Proposed Patent Term Extension Expert, Stephen G. Kunin, From Testifying At Trial;
- (ii) Memorandum Of Law In Support Of Glenmark's Motion In Limine #2: Motion To Preclude Plaintiffs' Experts From Testifying On The Issue Of Schering Scientists Actual Preparation Of Compounds 4E And/Or 4F;
- (iii) Exhibits A-C, E-K, and Q-T attached to the Declaration Of George Hykal In Support Of Glenmark's Motions In Limine (Nos. 1-3); and
- (iv) Glenmark's Trial Brief;

and the Court having denied these motions in an order dated January 20, 2010 (Docket Entry No. 191); and the Court having provided Glenmark until February 26, 2010 to re-file their motions to seal, "seeking only to seal the relevant portions of the materials or state why a less restrictive alternative is not available;" and Glenmark having filed a *Renewed Motion To Seal* (the "Renewed Motion"); and Glenmark having submitted public versions of the documents in

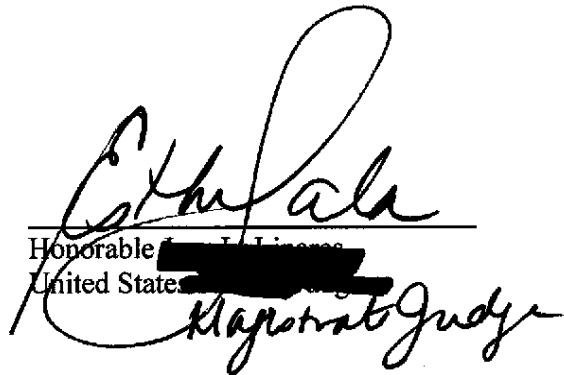
accordance with the Court's directive that Glenmark should seek "only to seal the relevant portions of the materials;" and the Court having considered all submissions of counsel in support of and opposition to the Renewed Motion; and the Court having previously entered a Discovery Confidentiality Order on September 7, 2007, and the Court having considered this matter pursuant to Fed. R. Civ. P. 78 and L. Civ. R. 5.3; and the Court finding that Glenmark could suffer substantial and specific harm, including but not limited to, potential financial damage through the divulgence of proprietary information in violation of the Discovery Confidentiality Order that this Court entered on September 7, 2007; and that no less restrictive alternative exists; and it appearing to the Court that good cause exists for the entry of such an Order,

IT IS ON THIS 3<sup>rd</sup> day of March, 2010,

ORDERED that:

1. Glenmark's Renewed Motion, be and hereby is granted.
2. The redacted portions of the following documents, having been found to contain proprietary, commercial, and confidential information pursuant to Fed. R. Civ. P. 26(c) and the Discovery Confidentiality Order this Court entered on September 7, 2007, be and hereby are sealed: Exhibits J, Q, and T to the Declaration Of George Hykal In Support Of Glenmark's Motions In Limine (Nos. 1-3).

It is so Ordered.

  
Honorable \_\_\_\_\_  
United States \_\_\_\_\_  
Magistrate Judge

**PROOF OF SERVICE**

I hereby certify that on February 10, 2010 I served a copy of the foregoing

**[PROPOSED] ORDER**

on each interested party in this action in accordance with the electronic filing procedures of the  
United States District Court for the District of New Jersey.

Dated: February 10, 2010

**DARBY & DARBY, P.C.**

Jay P. Lessler

s/ Jay P. Lessler